

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JAMES F.) APPEAL NO. 07-A-2294
BROWN from the decision of the Board of) FINAL DECISION
Equalization of Canyon County for tax year 2007.) AND ORDER

VACANT LAND PROPERTY APPEAL

THIS MATTER came on for hearing, October 22, 2007, in Caldwell, before Hearing Officer Steve Wallace. Board Members Lyle R. Cobbs, David E. Kinghorn and Linda S. Pike participated in this decision. Appellant James F. Brown appeared for himself. Appraisal Supervisor Barbara Wade and Appraiser Darlene Wolford appeared for Respondent Canyon County. This appeal is taken from a decision of the Canyon County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Alt Pin No. 02N04W023500.

The issue on appeal is the proper assessment of the subject land.

The decision of the Canyon County Board of Equalization is affirmed.

FINDINGS OF FACT

The subject parcel includes the following land assessments: Category 02 Irrigated Pasture, 9.50 acres at \$3,800, Category 10, Homesite, 1 acre at \$50,000, and Category 19, Pubic Right of Way, 0.18 acres at \$0 value, totaling \$53,800. Appellant requests the total land value be reduced to \$20,000. Subject property is 10.68 acres, with an improved residence located in Caldwell, Idaho. Only the land value is in dispute.

Appellant argued that according to Idaho Code Section 63-201(10), Market Value is the price agreed upon between a buyer and seller when the property sells. Appellant claimed the assessed value should not increase until subject property is sold.

Appellant challenged Respondent's comparable sales saying that they were not comparable to the subject because subject property is not for sale.

Respondent presented river front and river view sales of vacant land and residential sites to support subject's assessment. Respondent detailed several current sales. Twelve of the land sales indicated a price range of \$37,678 to \$42,749 per acre, with an average lot size of 4.94 acres.

Subject was assessed for \$50,000 for the first acre and \$3,800 for the additional 9.50 acres for a total assessed value of \$53,800 for the land.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

The Assessor has a statutory requirement to value property for the purpose of taxation:

63-314. COUNTY VALUATION PROGRAM TO BE CARRIED ON BY ASSESSOR.

(1) It shall be the duty of the county assessor of each county in the state to conduct and carry out a continuing program of valuation of all taxable properties under his jurisdiction pursuant to such rules as the state tax commission may prescribe, to the end that all parcels of property under the assessor's jurisdiction are assessed at current market value. In order to promote uniform assessment of property in the state of Idaho, taxable property shall be appraised or indexed annually to reflect current market value.

The Assessor must value property at "market value".

Market value is defined in Idaho Code § 63-201(10) as follows (see also Property Tax Administrative Rule 217, IDAPA 35.01.03.217.01.)

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time

allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The Board finds the County assessment of subject was based on recognized appraisal practices and current market information. Not all property sells every year, however, in Idaho all property must be valued at market value each year, whether it sells or not, according to Idaho statutes.

No comparative sales were provided to support Appellant's valuation of subject, while the Respondent provided numerous land sales.

Idaho Code Section 63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

Although the Board sympathizes with Appellant and the increase in assessed value, evidence has not been presented to support a reduction in value, or that error exists in the current assessment. In light of the evidence in the record, the Board finds subject's assessed value reasonable. Therefore, this Board finds for Canyon County and will affirm the decision of the Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the

Canyon County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED NOVEMBER 26, 2007